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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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MAURICE DEMAN HALL,

Plaintiff,

*versus*BALDEN O. POLK, *et al.*

Defendants.

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CIVIL ACTION NO. 9:22-CV-65

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Maurice Deman Hall, a prisoner previously confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Balden O. Polk, Carlos Applewhite, and Cristin L. Boykin.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting Defendants' motion for partial dismissal.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. The Eleventh Amendment bars Plaintiff's claims for monetary

damages against Defendants in their official capacities, and it also bars Plaintiff's claims under the Texas Tort Claims Act. In addition, Plaintiff's allegation that Defendant Boykin failed to investigate his grievances does not rise to the level of a constitutional violation. *See Geiger v. Jowers*, 404 F.3d 371, 374 (5th Cir. 2005).

### ORDER

Accordingly, Plaintiff's objections (#18) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#14) is **ADOPTED**. Defendants' motion for partial dismissal (#9) is **GRANTED**. Defendant Cristin L. Boykin is **DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 27th day of March, 2023.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE